

ORIGINAL

2 to mag J Smyser.

FILED
HARRISBURG PA

JUN 12 2003

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Manuel RAMOS

Plaintiff

v.

Margaret HARDEN, Dr. McGlori,

Dr. Maximo R. Velasco, Jr., Dr. Anthony

Bussanich, and Dr. Peter J. Terhaar

No. 1:CV-00-1957

(Judge Jones)

(Magistrate Judge Smyser)

MARY E. D'ANUBEN, CLERK
Per Deputy Clerk

MOTION TO WITHDRAW AS COUNSEL

AND NOW, comes Plaintiff's Counsel, Andrew J. Ostrowski, on his own behalf, and requests leave of Court to withdraw as Counsel, and in support thereof, avers as follows:

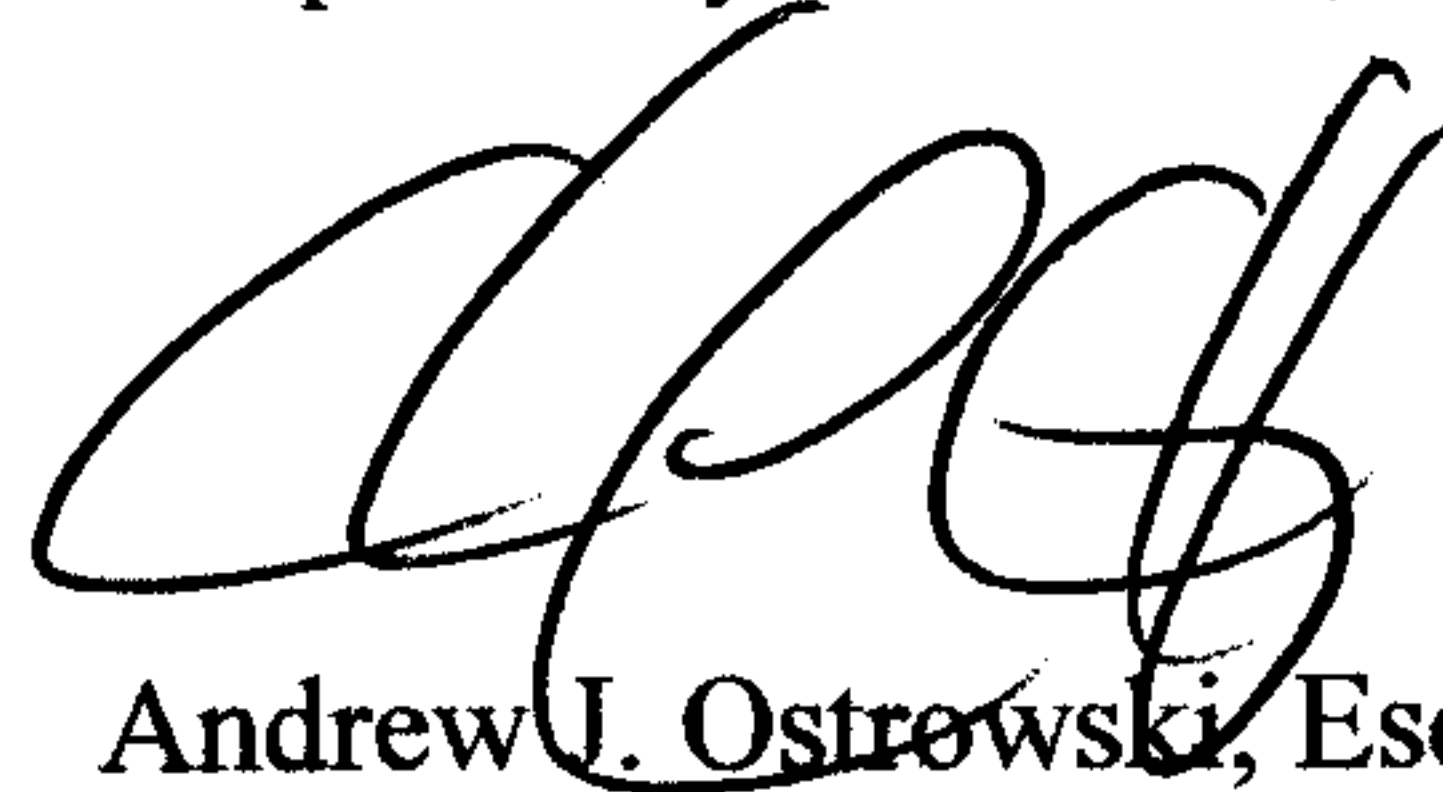
1. Undersigned Counsel entered his appearance after being solicited by the Middle District pro bono panel to accept the case.
2. Central to this case are allegations that Plaintiff's right hand has been permanently injured by the failure of Defendants to provide timely treatment for, then conducting "experimental" surgery on, an injury to Plaintiff's right hand suffered during an altercation with another inmate and a guard, and central to Plaintiff's ability to recover in this case is Plaintiff's ability to offer competent expert support for the existence, nature, cause, and continuing effect of Plaintiff's injuries.

3. Plaintiff's Counsel is not financially able to incur the burden and expense of procuring the expert services that are necessary to adequately represent Plaintiff, and Counsel therefore seeks leave to withdraw. Counsel has consulted Plaintiff as to the basis of his request.

4. While this Motion is filed on the eve of the close of discovery, and months after Counsel originally entered his appearance, Plaintiff has not been prejudiced by the mere passage of time, and Counsel for Defendants have indicated their willingness to again extend discovery and other deadlines in order to allow Plaintiff to secure additional Counsel.

WHEREFORE, Plaintiff respectfully requests that this Court enter an appropriate Order allowing Counsel for Plaintiff to withdraw from this case.

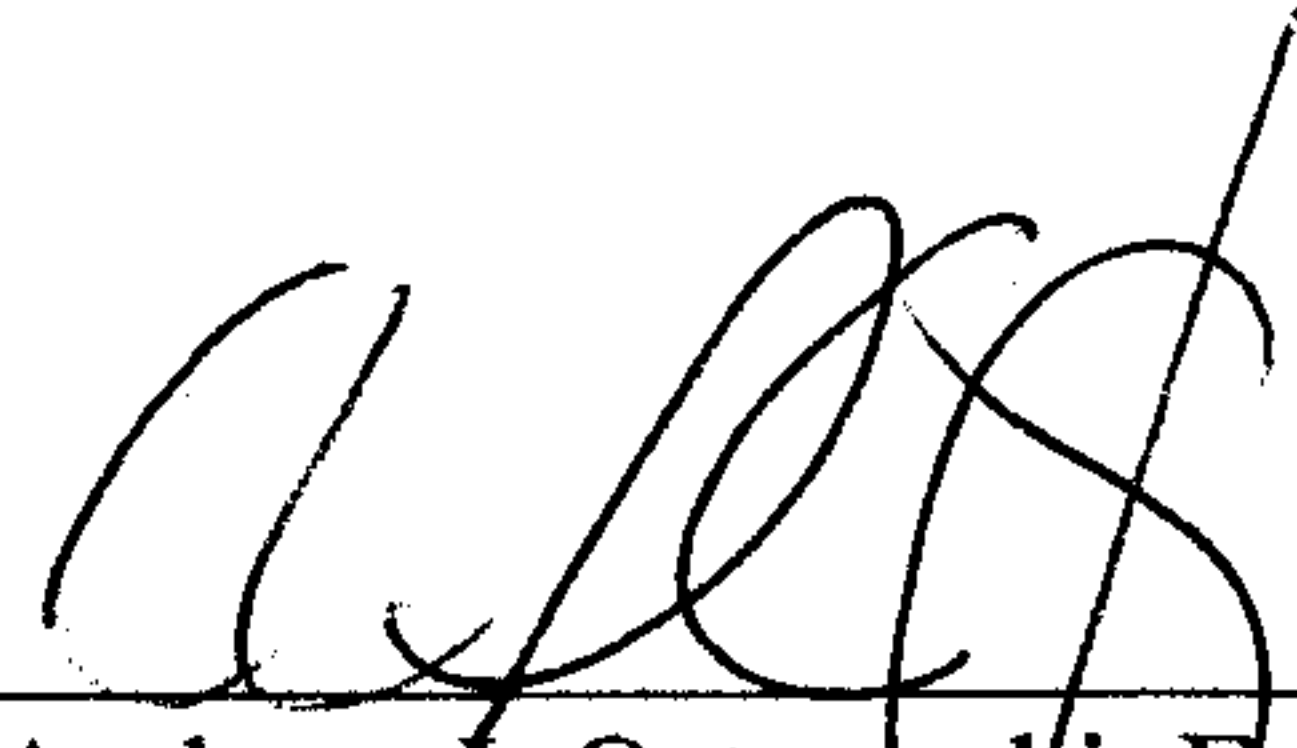
Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A. Ostrowski', is written over the printed name.

Andrew J. Ostrowski, Esq.
BAILEY, STRETTON & OSTROWSKI
Pa. Supreme Court. I.D. No. 66420
4311 North Sixth Street
Harrisburg, PA 17110
717-221-9500

CERTIFICATE OF NONCONCURRENCE

I, Andrew J. Ostrowski, hereby certify that Counsel for Defendants do not concur in the foregoing motion.



Andrew J. Ostrowski, Esquire

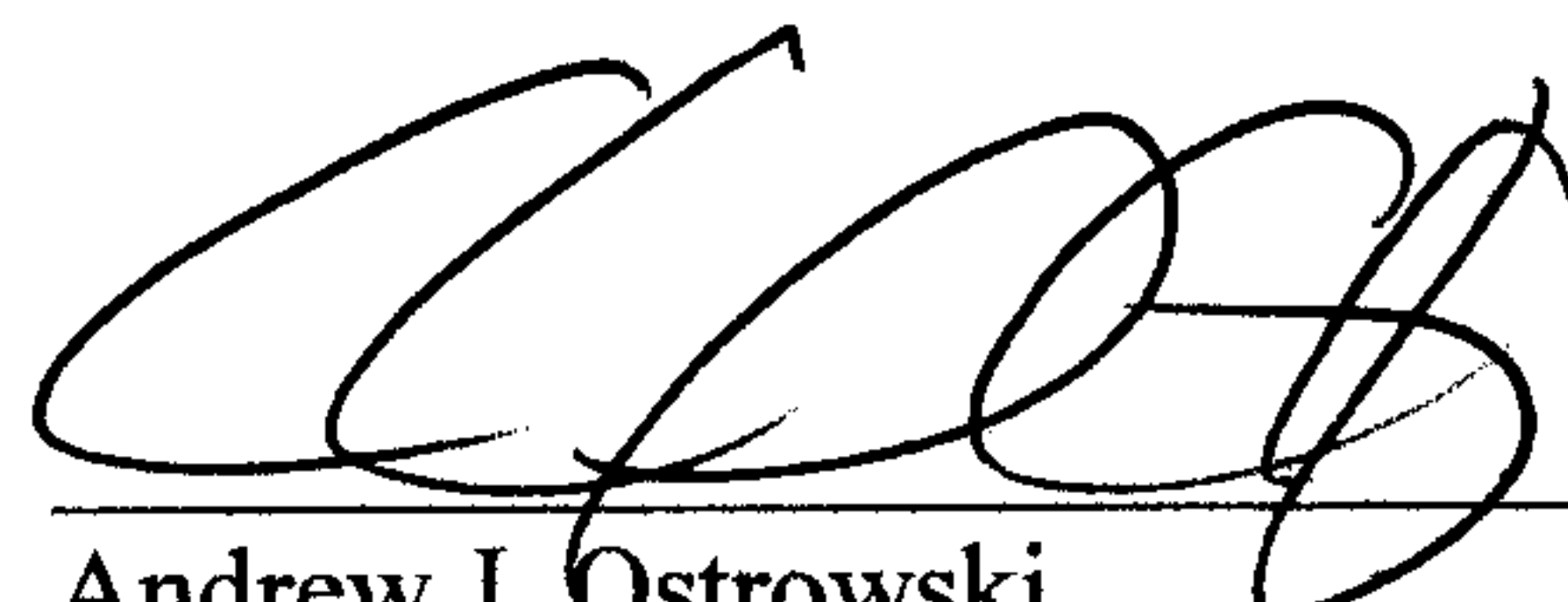
June 12, 2003

CERTIFICATE OF SERVICE

I, Andrew J. Ostrowski, hereby certify that the foregoing document is being served by first-class mail, addressed as follows:

Michael Thiel, Esquire
Assistant United States Attorney
U.S. Attorney's Office for the Middle District of Pennsylvania
Federal Building
P.O. Box 309
Scranton, PA 18501

Patrick O'Connell, Esquire
Suite 113
Park Building
400 Third Avenue
Kingston, PA 18704-5816



Andrew J. Ostrowski

June 12, 2003